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Steve Anderson - Consolidation of Power: The use of executive orders, proclamations and signing statements during the George W. Bush Presidency

Abstract:

Like other Presidents before him, George W. Bush used his executive authority to craft policy both domestically and internationally. The author analyzes President Bush's number of executive orders and proclamations, how they affected his scope of authority, and how they were received by Congress.

Samantha Moore - LGBT Adoptions in the U.S. and South Africa

Abstract:

With the increased commonality of gay relationships, marriages, and unions, there is a growing conversation about the LGBT and their adoption of children. The purpose of this case study analysis is not to sway your opinion of LGBT adoptions, but instead to examine the recent policy implications for LGBT adoption in the U.S. in comparison to current South African adoption policies.

Ryan Freer - CIA: The Critical Years

Abstract:

Our foreign policy agenda in the Middle East is attributed to the decisions of the CIA's Director's of Intelligence (DCI) and the President's they served. The author examines how two DCI's, an a third to a lesser degree, have impacted the agency during their tenures, and how the operations of the CIA in Iraq, Afghanistan, Pakistan, and Iran in the decades leading up to the attacks of 9/11 culminated in this tragedy.

Consolidation of Power: The use of executive orders, proclamations and signing statements during the George W. Bush Presidency

Steve Anderson

Introduction

Like other Presidents before him, George W. Bush used his executive authority to craft policy both domestically and internationally. During both of his terms, he issued executive orders, executive proclamations, and used signing statements as a way to influence policies and assert the authority of the executive branch. Over the course of his two terms in office, President Bush was dealt a series of challenges, including terrorists attacks, war, and natural disasters. His use of executive power has changed the federal government and expanded executive authority. These were not without controversy, as some of his decisions have been met with criticism, legal challenges, and the repeal of some executive orders by his successor, President Obama. Researching the use of these executive tools helps to understand how the executive branch operates within and how it affects other branches and departments of the federal government. These actions of the executive branch can have profound consequences, such as Lincoln's Emancipation Proclamation of Franklin Roosevelt's order to place Japanese-American citizens in internment camps.

In studying President Bush's use of signing statements, executive orders and proclamations, I plan to analyze the number of orders and proclamations, how they affected the scope of his authority, and how it was received by Congress and the courts. An executive order can be described as a rule or order issued by the president to an executive branch of the government having the force of law. An executive proclamation is "an instrument that states a condition, declares a law and requires obedience, recognizes an event or triggers the

implementation of a law” (Cooper 2005, 116). A signing statement is a written pronouncement issued by the President of the United States upon the signing of a bill into law.

Literature Review

Examining the use of executive orders, proclamations, and signing statements has built a large body of research analyzing the effect of these tools on presidential power. While there have been a few examples of executive orders that have carried substantial weight legally and policy wise, its use has been primarily for routine and minor administrative tasks (Mayer 1999). Many of the major policies that have been enacted via executive order have been studied by examining legal challenges filed against them and the resulting verdicts issued by the court system.

In the case of President Bush, scholarly work on his use of executive power, including signing statements, executive orders and proclamations, has been over some of the more controversial orders given during his first term in office. Several of those executive orders issued have been challenged in court. The resulting litigation and court decisions have provided a body of research to examine how this has affected certain policies put out by the President.

Executive orders were issued in the domestic policy area, but often the most far reaching involved foreign policy. These orders include the Military Order of November 13, 2001, which set up the Military Commission system to try non-citizens accused of terrorism. This particular order has been subject to serious scrutiny, as there has been controversy surrounding as to whether this order has resulted in detainees being subject to legalized torture, denial of due process, and violations of the Geneva Convention (Bassiouni 2006). A series of court challenges followed this and other orders related to national security.

Presidential proclamations are often symbolic in nature, but some have carried large legal and policy implications. Historical examples include Lincoln’s Emancipation Proclamation and

Nixon's wage and price freeze (Rottinghaus 2007). Proclamations have been used to declare disaster areas, including the areas affected by hurricane Katrina in 2005. The government's failure on handling the rescue operations after the hurricane had a serious affect on his Presidency, which he took personal blame for the mistakes made at the federal level (Sylves 2006).

Scholars have noted during his first term, President Bush didn't use his veto power on any bill (Cooper 2005). However, his use of a tool known as a signing statement, issued the presidents opinion on certain parts of the legislation and as a result the parts the president may find unconstitutional. This technique isn't the same as a veto, but it falls under the line of items that the president may not enforce. A 2006 news report stated that President Bush had used signing statements on up to 750 provisions of various bills, questioning the constitutionality of different parts of each bill (Kelly 2007). While President Bush's signing statements in his first term have been analyzed, there isn't an equal amount of work on his second term. Since President Bush has only been out of office for two years as of this writing, his use of signing statements, executive orders, and proclamations from his second term, along with their respective implications, have received less analysis than his first term.

While the policies of President Bush's first term have been analyzed in large detail, the policies of the second term have largely been not studied. Considering both the relatively brief period of time since President Bush left office, there isn't much research on the effects of his use of executive authority on the organization of the executive branch. As time goes on, it should be taken into account whether President Obama continues to use some of the policies implemented during the Bush administration. This particular research looks to compare the impact of executive orders, proclamations and signing statements in his second term to his first. Comparing

the two terms will seek the measure whether the second term had as much impact on the power of the office as the first term.

Methodology

To help research these particular tools of the executive branch, I examined the federal register which has the records of these on file, and will be used to compare the number of orders and proclamations in both of President Bush's terms. The Government Printing Office has recorded Presidential signing statements. The text of these statements gives insight as to the President's view on certain parts of the legislation he signed into law. These all impact how President Bush asserted his authority and his affect on policy.

Researching executive orders, proclamations, and signing statements requires analyzing numerous case studies and document analysis to understand the size and scope of their impact on the policy. The National Archives keep a detailed record of current and previous executive orders dating back to the Roosevelt Administration. When analyzing the Presidency of George W. Bush, it is noted he served two consecutive terms in office. This time ranges from January 20th, 2001 to January 19th 2005 as the first term and January 20th, 2005 to January 19th, 2009 as the second term. They total 291 over two terms, 169 is his first term and 122 in his second term. As the orders are separated into each year of Presidency, it is easy to study the types of issues during election years and the times of major events (natural disasters, terrorist attack, etc...).

Several particular orders during the Bush Administration have been the focus of academic study. These include the orders to set up military commissions for suspected terrorists and Executive Order 13233, allowing former Presidents, Vice Presidents, and their families to withhold information for twelve years after they leave office (Swartz 2008). Orders that have generated controversy and/or legal challenges have a wide range of coverage, including legal

briefs from the Administration and those who challenged the orders, government reports and media coverage.

Executive proclamations, particularly those given by President George W. Bush, are documented in the White House Archives; with the website listing Bush's proclamations is frozen as historical material. While many consider most proclamations as mostly symbolic, scholarly research has documented and analyzed proclamations that have significant policy impact, including declarations of emergency after September 11th and hurricane Katrina. Again, this list is divided by the years and exact dates proclamations were announced, the proclamations in election years, and the amount between his two terms in office. The majority of proclamations from 1977 to 2005 have involved trade (Rottinghaus 2007). Both of President Bush's terms have numerous proclamations involving trade, emergencies, and symbolic events. Comparing and contrasting the two terms requires examining the numbers of proclamations in each term, along with critical analysis of the impact those proclamations had on President Bush's influence in the realm of domestic and foreign policy.

Signing statements have been used by numerous Presidents, indicating their particular views on the bill being signed. President Bush had used signing statements on different bills, much like his predecessors before him. The signing statement is seen as not only a way for the President to voice views on the bills constitutionality, either in whole or in parts, but as a way to guide the Executive Branch on how to administer and enforce aspects of the law (Kelly 2007).

Signing statements are usually printed along with the bill in United States Code Congressional and Administrative News (Cooper 2005). Scholarly research has examined President Bush's use of signing statements in detail, citing specific statements that have generated controversy. The total number of signing statements issued during the Bush

Administration is issued in a report by the Congressional Research Service, numbering 152 in total (Halstead 2007).

Research Findings

President Bush issued numerous executive orders during his first term that created a long lasting impact on the nations both domestic and foreign policy. In the first year of his Presidency, Bush issued fifty-four executive orders, the most of any year in both terms. President Bush issued his first and second executive orders on January 29th, 2001. Executive Orders 13198 and 13199 established the White House Office of Faith Based and Community Initiatives (Federal Register). This new office became part of the Executive Office of the President of the United States. This agency was designed to strengthen faith-based and community organizations and expand their capacity to provide federally-funded social services, with the idea having been that these groups were well-situated to meet the needs of local individuals.

This office has come under controversy, as critics contend that the laws allowing the office to provide federal dollars to fund religious organizations as a violation of the Establishment Clause, and that the agency blurred the lines in regards to the separation of church and state. The agency survived throughout the Bush administration and it still part of the Obama Administration, although it has been renamed the White House Office of Faith-Based and Neighborhood Partnerships and has been amended via President Obama's own executive order.

President Bush would face the major test of his Presidency early, as the United States suffered a terrorist attack on September 11th, 2001. After the attacks, President Bush issued a series of executive orders that that would have an impact long after his Presidency ended. Among these orders include Executive Order 13228, establishing the Office of Homeland Security and the Homeland Security Council and 13239, establishing Afghanistan as a combat

zone. The Office of Homeland Security incorporated twenty-two different departments, including Immigration and Naturalization, Customs, the Federal Emergency Management Agency, the Secret Service and the Coast Guard.

President Bush made it America's mission to do all that was possible to combat terrorism. This included orders seizing the assets and blocking funding for groups suspected of aiding terrorist organizations along with increased sharing of information among intelligence agencies and the placing of suspected terrorist in detention at Guantanamo Bay. The Obama Administration, although promising to close the facility, has yet to do so as of this writing. Compared to his first term, Bush's second term had fewer executive orders overall, with more emphasis on funding for AIDS prevention, changing the Military Commissions System facing legal challenges, and efforts in Iraq and Afghanistan.

The uses of proclamations during President Bush's two terms were symbolic in nature. After the September 11th attacks, President Bush made proclamations on the 12th, 13th and 14th. These include both National Days of Prayer and Remembrance for the victims and declared a national state of emergency (White House archives). Through a proclamation, President Bush managed to craft immigration policy. On January 12th of 2004, Bush issued a proclamation to suspend entry as immigrants or nonimmigrants or persons engaged in or benefitting from corruption. Bush also used proclamations to modify parts of numerous trade agreements.

The most dramatic use of the President's emergency proclamation occurred after New Orleans was devastated by Hurricane Katrina. Not only did President Bush declare a state of emergency in the state of Louisiana, but to the states that took in Katrina evacuees, even if those states had no damage from the storm (Sylves 2006). This was the first major use of an emergency proclamation since the 9/11 attacks, when the administration began to use declaration

of emergencies as an instrument of national security. This shift in strategy gave President Bush more power in terms of dealing with a man-made or natural crisis. The Department of Homeland Security was only two years old when its major test came in the form of the response to Katrina.

With FEMA now incorporated into the DHS with other agencies responsible for disaster relief, it became a complex endeavor to figure out exactly where and how to properly deploy National Guard troops, medical staff and emergency workers. President Bush's complimentary feelings about then FEMA director Michael Brown, along with a photo of the Bush looking down at the damage from Air Force One hurt his credibility, already vulnerable after a close reelection and defeat his major initiatives in the second term. It would later be found that many of FEMA's directors had no experience in dealing with emergency management and were political supporters of the President (Sylves 2006). The first major exercise in crisis management since the 9/11 terrorist attacks showed that the problems that occurred with realignment of emergency management and national defense agencies. Comparing the handling of the terrorist attacks to Hurricane Katrina, Bush lost credibility as an effective manager.

As the President is the chief executive officer of the Executive Branch, he has major influence in how administrative duties are carried out by the EOP. The signing statement, a device used by Presidents to weigh in on laws generally, has been used by Bush much like it has been used by his predecessors (Halstead 2007). Although he used the signing statement less than President Clinton, more of Bush's statements challenged the constitutionality of parts of bills than Clinton's. As Congress tried to reign in the power of the executive branch in terms of the War on Terror, Bush responded with statements emphasizing that he would enforce the law "in a manner consistent with the President's constitutional authority to supervise the unitary executive

branch and to withhold information the disclosure of which could impair foreign relations, national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties" (Patriot Act). President Bush's use of signing statements over the course of his presidency fits in well with his M.B.A style of executive management.

Discussion and Conclusions

President Bush, through the use of numerous tools available to the Executive Office of the President, consolidated power within the executive branch while changing the size and scope of the federal government. By using executive orders to create a large new Department in the response to a terrorist attack, national security and emergency management, immigration and intelligence agencies expanded and became integrated at levels unseen before in the history of the federal government. With questions about deficit control dominating political news, many of the features of the large security apparatus created by President Bush's actions have come under scrutiny; along the cost of maintaining troops is Iraq and Afghanistan. Despite the criticism and promise for change, President Obama has kept and most likely will keep many of the same policies in place. However, the botched response to Katrina has led to reforms to better manage the agencies, including filling executive positions with those experienced in emergency management, along with more clarity and communication between different agencies to coordinate disaster responses.

Many of the issues that began under Bush still linger today, including how to deal with suspected terrorist who have been captured. The Military Commissions System created by Bush's executive order has come under harsh criticism from academics for failing to protect the rights of U.S. citizens and prisoners of war under the Geneva Convention. Research shows the historical use of civilian courts to try suspected terrorists have proven to be more effective and

legitimate than those tried under the Military Commission System. Despite numerous court challenges and calls to use the civilian court system, Guantanamo Bay still houses prisoners who have yet to receive a trial. In the terms of executive authority, the ability to determine suspects as enemy combatants and hold special legal proceedings gives the executive branch more power than some believe the Constitution and statute provide.

Since many of the issues that began during the Bush Administration continue during the Obama Administration, it's very likely that those issues involving suspected terrorists and DHS will be further explored both through the legislative process and the courts. Further research into the DHS and its effectiveness in terms of safety and dollars spent is necessary to examine whether creating the large and complex office has proven to be useful in achieving its goals. Legal scholars have and will continue to examine the use of the Military Commissions System and the detention of suspected terrorists. Further research can determine whether or not using the special legal system can be an effective tool to administer justice or should be disbanded and left to civilian courts.

The Presidents signing statements are a window into the mind of how the President believes his branch should operate, along with his views on issues presented in numerous bills. The mindset of an administrator can determine how a particular office can change operations and procedures due to the chief executives personality, education and professional history. Since President Bush was the first M.B.A, but will most likely not be the last, his style of management will serve as an example of a more business minded model of government to compare to future Presidents of a similar background. Although every President manages the office a different way, Bush's style will be studied in the future as a model for executives in the future in terms of administrative control and consolidation of power within the Executive Office.

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LGBT Adoptions in the US & South Africa

Samantha Moore

Introduction

Lesbian, Gay, Bisexual and Transgender, most commonly referred to as LGBT, have become a subject of controversy over the past decade. LGBT adoptions may not seem important to someone who does not identify themselves in this category, but it is a crucial topic of discussion. This topic is particularly relevant in today's society because gay relationships and unions are becoming more common, whereas back in the 1950's and 1960's, having a gay relationship was considered tumultuous and an ultimate sin. With the increased commonality of gay relationships and unions, there is a growing conversation about adoption, and whether or not LGBT people are able to care for a child the same way a heterosexual man and/or woman can. The purpose of this paper is not to sway your opinion of LGBT adoptions, but instead, to simply lay out the realities of the issue.

Before I get into the mechanics of LGBT adoptions, the types of adoptions should be recognized. There are currently three different types of LGBT adoptions; they are as follows, individual adoptions, joint adoptions and second-parent adoptions. Individual adoption is when a gay or lesbian individual wishes to adopt a child. Joint adoption is described as a gay or lesbian couple choosing to adopt a child. Lastly, a second-parent adoption is when the partner of a gay or lesbian parent wishes to adopt their partners child, thus making them their step-child (National Adoption Center 2012).

According to the ACLU (American Civil Liberties Union), there are currently thirty-four states that lack statewide legislation, case law, or department regulation addressing LGBT

adoption. In those thirty-four states, it is up to the judge, the adoption agency, and the individual social worker to decide whether the LGBT adoption should occur, meaning that those three people determine if a non-traditional (LGBT) family will be able to adopt. This lack of statewide legislation makes the issue of LGBT adoptions crucial to understand in order to figure out what can be done to allow more LGBT adoptions to take place. Since discretion is left up to the judge, the adoption agency, and the social worker, discrimination will without a doubt ensue. If a gay couple wanted to adopt a child in Texas, which is one of the thirty-four states who lack LGBT adoption legislation, they would almost immediately be turned down and dismissed. The reasoning behind it is simply because Texas is opposed to homosexual relationships, unions, and adoptions. If Texas were to allow LGBT adoptions, it would violate the state ban against adoption by unmarried couples. The thirty-four states that lack legislation make it incredibly difficult for LGBT people to adopt because those states base their opinions of LGBT adoptions on a pure bias, which is further fueled by gay discrimination.

The National Gay and Lesbian Task Force provide an insightful look into anti-adoption laws. As of April 21 2011, there are five states that restrict LGBT adoptions, those states are Florida, Nebraska, Mississippi, Michigan, and Utah. Mississippi, Nebraska, and Florida have legislation that strictly prohibits adoption in any form by same-sex couples. Michigan has legislation that prohibits same-sex couples who are married to jointly adopt. Utah's legislation prohibits adoption by a person who is cohabitating in a relationship that is not a legally valid and binding marriage.

Lambda Legal, a national organization known worldwide for providing equality and recognition for LGBT persons, states that there are roughly 250,000 children being raised by same-sex couples. While 250,000 may not seem like a staggering number, considering we have

cities throughout the United States with much larger populations, it is, in many ways, a milestone. In a recent court case, which has not yet been heard by the Supreme Court, *Adar v Smith* (2011), describes a same-sex male couple that legally adopted a child, but were denied a new birth certificate that would list both parents as the child's father because Louisiana doesn't recognize adoption by unmarried parents. The Fifth Circuit Court sided with the couple when the panel of three judges all agreed unanimously that both adoptive men be listed as parents. When the defendant's attorney asked for a rehearing, the Fifth Circuit Court reversed their decision and this case has now been referred to the Supreme Court (Denniston 2011). LGBT couples reach milestones, but sometimes, they don't always follow through. This case is a prime example of LGBT rights being accepted, to only then be brought back down. There are 250,000 same-sex couples as parents, but those 250,000 same-sex couples who are parents and did not have a child biologically, have to fight incredibly hard to gain their parental rights.

Richman discusses the positions and problems with LGBT adoptions and LGBT custody. She states that:

“When extended to the arena of family law, the characterization of rights as all important is problematized. While rights are generally invoked on the individual level, a family is by definition relational. This dichotomy is particularly at issue here, as the gay rights movement has often been typified by citizenship claims connoted by individual privacy rights, as in the struggle to decriminalize sodomy and the *Lawrence v. Texas* (2003) decision. Furthermore, gay men and lesbians have often, in public discourse, assumed to be uninterested in or incapable of family life-thus emphasizing the personal and individualistic appearance of gay rights claims.”

Richman makes a viable point in her argument; she argues that gay and lesbian rights are under shadowed by those of heterosexual orientation, and that we have preconceived notions that LGBT persons are incapable of being able to have a family. Sadly, she is correct in her arguments, which aren't just limited to the United States, but also stretch across the country as well.

Comparative Case Study Analysis

LGBT adoptions aren't just an issue within the United States, in fact, they spread throughout the world. LGBT adoptions in other countries also have three main types of adoptions; individual adoptions, joint adoptions and second-parent adoptions. However, not every country accepts LGBT adoptions, in fact, in Africa alone; the only country who fully accepts LGBT adoptions wholeheartedly is South Africa.

According to Oswin, the lobbying efforts in South Africa through the NCGLE (National Coalition for Gay and Lesbian Equality), has had the following result:

“As a result of this lobbying effort, South Africa became the first country in the world to constitutionally entrench the rights of homosexuals, and the Coalition could lay claim to the rather unique distinction of having included gay and lesbian issues in a liberation struggle.”

Oswin recognizes that through the lobbying of the NCGLE, South Africa has gained tremendous rights for LGBT people, and it is the first country throughout Africa to do so. The lobbying efforts of the NCGLE is not the only reason why South Africa has rights for LGBT people, but, it also has to do with the Children's Act of 2005 and the court case, *Du Toit and Another v Minister of Welfare and Population Development and Others (2002)*. In the court case, *Du Toit*, Suzanne du Toit and Anna-Marie de Vos, had been partners since 1989 and adopted two

children in 1995, but, because South African law at the time did not allow unmarried partners to adopt, de Vos was the children's only legal parent. The decision of this case came down from the Constitutional Court of South Africa which established that same-sex couples have the ability to jointly adopt children. LGBT people had already been able to adopt children individually, but only married couples could adopt jointly. This case paved the way for LGBT parents to be able to adopt in South Africa, it also allowed non married couples to adopt, instead of just married couples. The Children's Act was enacted as a way to protect child rights, which included child trafficking and making sure a child was placed into a suitable home. This Act did not discriminate against LGBT couples/individuals, but instead embraced them and heterosexuals as equals when it comes to adoption.

I chose South Africa as my country for my comparative study because it was one of the few countries that fully accepted and embraced LGBT adoptions. It not only had acts and court cases regarding the issue, but, it also had the lobbying group, NCGLE, which I thought provided an interesting and unique perspective on how the LGBT movement came about in South Africa. Not only is South Africa the only country in Africa to allow LGBT adoptions, it is one of the few countries throughout the world that allows LGBT adoptions in all aspects, whether it be individual adoptions, joint adoptions and second-parent adoptions, whereas in other countries, they only allow either individual adoptions or only allow joint adoptions under marriage.

Analysis and Conclusion

When comparing South Africa to the United States, we see a very stark contrast in LGBT rights in regards to adoption. South Africa takes into account LGBT rights within its entire country, whereas in the United States, only some states have laws against LGBT adoptions and the states without opposition; leave the ruling up to a third party. In various countries some

allow LGBT adoptions, but only in certain jurisdictions, and the United States tends to lean the same way. In Mississippi, LGBT adoption is strictly prohibited, but in Vermont, LGBT adoptions could be allowed depending on the judge in charge of the adoption case. Mississippi does not allow same-sex adoption because of their state constitution ruling it unconstitutional. They also have no discrimination or hate crime protections against LGBT persons. Vermont allows petitions to adopt because they have a different state constitution. South Africa allows LGBT adoptions in their country, but in the United States, it is difficult to determine an enforced set of policies unless dealing with the five states that have policies preventing it.

I think that the events leading up to LGBT adoption and LGBT rights in general, in South Africa, have been of great importance in today's society, but, in the United States, there have been lobbying groups and even some state policies that prohibit LGBT adoption and they haven't made a huge impact to the country as a whole. If LGBT adoption rights are to be recognized like they are in South Africa, then LGBT rights need to be written into our Constitution and not just determined by state. If that were to happen, the argument can be made that South Africa is the only country in Africa that has full LGBT adoption rights and is similar to states who are lobbying for full LGBT adoption rights and states who prohibit it. LGBT adoption rights are difficult to define for the entire country, and are being decided by states and other countries as well.

No one approach is better than the other; they are too similar in nature to determine if one is better than the other. LGBT adoptions are going to be a hot topic issue for an extended period of time, and until drastic measures are taken, such as, writing LGBT adoptions into our Constitution, it will always be an issue. According to *Matter of Adoption of Camilla, 1994*, as quoted in Kimberly Richman's article, a valid conclusion is offered,

“To suggest that adoption petitions may not be filed by unmarried partners of the same or opposite sex because the legislature has only expressed a desire for these adoptions to occur in the traditional nuclear family constellation of the 1930’s ignores the reality of what is happening in the population” (p. 285).

This quote sums up LGBT adoptions almost flawlessly, it concludes that LGBT adoptions are happening and are an issue that will change the previous nuclear family dynamic. LGBT adoptions are not going to go away or wither out, but instead, may very well become the new traditional family.

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CIA: The Critical Years

Ryan Freer

Abstract

Our foreign policy agenda in the Middle East is attributed to the decisions of the CIA's Directors of Intelligence (DCI) and the Presidents they served. Overviewed here are two DCIs: William Casey and George Tenet, and a third to a lesser degree, James Woolsey. In addition to seeing how their tenures have impacted the Agency, the operations of the CIA in Iraq, Afghanistan, Pakistan, and Iran in the decades leading up to the attacks of 9/11 culminated in this tragedy. The paper that follows seeks to elaborate on how the CIA's clandestine operations were predecessors to the War on Terror, which has now spread to sub-Saharan Africa. The operations overseen by Casey and Tenet inadvertently created a new enemy, the subculture that led to the attack of 9/11, and the changing of today's foreign policy decisions in the Arab world.

Creating the Enemy

The infamous day when the Twin Towers fell was the capstone on a long and insidious campaign brought about by years of involvement by the Central Intelligence Agency in the Middle East. The war in the Middle East did not begin on September 11, 2001, but had been an off and on struggle dating back to the early 1950s with the installation of the Shah in Iran. Although loosely connected to Iran, the United States supported Saddam Hussein leading up to the Second Gulf War. Decades ago when these secret operation were first undertaken, the future was not of concern; few realized that our once-allies could become our greatest enemies. To understand the present, one must know the past, so as not to repeat it. The agendas of two Directors of Central Intelligence (DCI) are the most apparent reactions of the operations they oversaw. Here, we will examine the careers of William Casey and George Tenet, and how the Agency was changed after

they left. In addition we will evaluate the relationships of the DCIs with the presidents they served to see whether or not it had a drastic effect on the CIA's operations. Ultimately, the CIA delved into clandestine operations and inadvertently fostered a new enemy and their subculture which in part caused 9/11. In reaction, the United States now have an expanding War on Terror in Afghanistan, Northern Africa, and Pakistan.

“A Legacy of Lies”: William “Bill” Casey

William Casey was born in 1913 in New York. He held numerous roles in the public realm, as well as the private. After achieving a law degree, he served in Europe in the Office of Strategic Services OSS. When World War II ended, he practiced corporate law in New York City, and even ran in the 1966 race for Congress in his district (where he lost). In the years to come, he would serve on various committees and boards in Washington. In 1980 he served as presidential nominee Ronald Reagan's campaign manager, where he excelled and formed a very close relationship with him (United States Senate 13). Casey was dismayed when he was offered the position of Director of Intelligence; he had high hopes of becoming the Secretary of State. ‘You don't look like Secretary of State. You don't talk like Secretary of State. You only think like one,’ National Security Advisor Richard Allen had told him (qtd. in *Burn Before Reading* 190).

When Casey was nominated to be the next DCI, he was an unlikely choice. In fact, most were surprised that President Reagan had chosen him. As far as appearances go, he was unkempt, foul and arrogant. For the face of an upstanding agency, he was far from proper. But as for the CIA's legacy of failure and lack of foresight, Casey fit right in. Reagan trusted Casey, but Casey was not to be trusted. He was so bold as to change the conclusions of agents' reports to reflect his own political ideologies (Weiner 2008, 434-9). When he started, he immediately

proved himself to be swift to action. Casey wanted to revitalize the Agency, boost morale, and give it a new start. One of his first orders of business was to let go anyone who did not follow orders quickly, or agents that were weak links. Agents who had little to offer the Agency were quickly relieved of duty.

If there was one thing Casey had going for him at the beginning, it was his relationship with the President; it was one of the closest relationships between the President and a DCI ever seen. This coordination would allow the two to undertake secret wars in Afghanistan and Nicaragua. But eventually the scandal leaked to the public in 1986. During investigations of the Iran-*contra* debacle, Casey and those involved—including the President—denied any and all involvement.

After he died in 1987, he left the Agency in shambles, leaving the DCIs to follow to clean the mess he created. Before Casey, the Agency was dysfunctional at best. After he died and DCI Judge Webster was inaugurated, the CIA was not ready to change, nor was it going to. Weiner (2008) writes that after even Webster's vow to remain honest with Congress in its operations, it did not want to take any chances. Congress then took on even more oversight of CIA operations. In any clandestine operations after 1987, the CIA would have to report to one of various Congressional committees. No longer would the CIA work as a political instrument (480). This was the first piece of legislation that was part of Congress's package plan to have oversight of the CIA. It later added Intelligence Authorization Act of 1991, which required the President's approval of clandestine missions abroad.

Saving a Sunken Vessel: George Tenet

George Tenet was born in New York in 1953. A Georgetown University graduate, he went on to receive his Master's in international affairs in 1978. From the start, his whole career

had been in Washington. He began as a legislative aide to Senator John Heinz (R-PA) from 1982-1985, when he stayed in the Senate to work on the Senate Intelligence committee as a staffer and eventually Director until 1993. At the end of DCI John Deutch's short tenure, Tenet worked as Deputy Director until 1996, when he became standing Director when Deutch resigned. Filling the next hierarchy role, George Tenet was nominated to be the new Director of Intelligence in 1997 (Diamond 2004).

Turner (2005) described that his mission, like DCIs John McCone and William Colby before him, was to revitalize the Agency, from the inside out. He was concerned with the institution's ethics just as much as its bureaucratic inner workings. He sought vigorously to strip the Agency, then modernize, strengthen, and reform it. The world was changing, and the Agency needed to change with it. Computers, digital information, and the internet were booming at the time, but the CIA was stuck in the days of the Cold War, using Cold War-era methods and philosophies (Turner 2005, 240-46). Since the end of the Casey administration, the CIA had suffered budget cuts and scrutiny from Capitol Hill; in recent years, the Agency has had to do more with less. Austerity measures coupled with its broken bureaucratic systems left the Agency in dismal shape. As one of the first orders of business, Tenet petitioned Congress for a multi-billion dollar overhaul plan. Tenet promised a \$1.8 billion stimulus plan and millions more in miscellaneous funds would get the Agency in full working order by 2002. It was the largest intelligence project since 1982, and Congress said that there was more to come (Weiner, 2008, 552-3).

Turner (2005) also described Tenet's tenure as having a "global role" for the CIA. His redirection of the Agency reshaped the overall image of the CIA. When Tenet was called to facilitate Israeli-Palestinian peace talks in 1998, some feared the Agency was getting in to an

arena it did not belong. “The CIA is not making policy,” Tenet said, “but helping carry it out.” Tenet continued, “This is consistent with the agency’s history of fighting terrorism and helping friends and allies in the region live together peacefully and safely.” As Islamic terrorism was becoming an increasing threat, Tenet saw an opportunity to learn more about it to effectively combat it.

Tenet fared well at the Agency because he boosted morale (he was often known as a very down to earth guy) and succeeded in reviving the CIA until he reported incredibly faulty intelligence on Saddam’s weapons of mass destruction (WMDs), which ultimately led to his resignation in 2004. It appeared, at the time, that the words “success” and “CIA” just did not coincide. As the future DCI Peter Goss states, “there aren’t any successes that are particularly grand” (Turner 240-6).

Afghanistan

When the Soviets made one last push into Afghanistan to save the Republic, it could not account for the might of a lone politician from the United States. Author George Crile (2003) describes future senator Charlie Wilson as a child who had adopted the value of American exceptionalism. His hatred for the Nazis as a boy fueled his hatred for the Soviets. He traveled to Afghanistan and immediately took on the plight of the Freedom Fighters known as the mujahidin. Their war was to become the next proxy war for the United States against the Soviets. Wilson dedicated the rest of his political career to seeing the victory of the mujahidin. After years of working through his own connections, he won over the attention of the CIA. After some deliberation, Casey would eventually become very involved in Charlie Wilson’s war, as it came to be called. In fact by 1985, over 50% of the Agency’s budget was devoted to the war in Afghanistan. It would increase to 70% by the next year (*Charlie Wilson’s War*). The CIA was

able to operate via Wilson's connection to Pakistani president Muhammad Zia-ul-haq. When questioned in Moscow, Zia duped the Soviets in telling the Soviet secretary-general that Pakistan was not involved in assisting the Freedom Fighters. Had Russia found out, it could have ignited World War III. Through a common goal and a common enemy, the United States was able to find another ally in the Middle East, a place that was quickly becoming a hotbed for anti-American sentiments. Had it not been for Wilson, the CIA's involvement in Afghanistan may have been delayed, and U.S. involvement may have played out much differently.

So, what happened between 1987 and 2001 that made our ally against the Soviets turn against us and become our arch enemy? Crile (2003) states that this change from ally to enemy began almost immediately following the end of the Afghan-Soviet war. In September of 1991, the Senate Committee cut out Afghanistan from its annual budget. For the past decade, the U.S. had been funding a secret war, and suddenly, had turned the other way. After cutting funding to the Afghans, the United States no longer supported their revolution. After Desert Storm, our troop presence in Saudi Arabia led most Muslims to believe we only wanted to take over the Islamic oil fields in a plan to obtain world domination. To put it shortly, the Islamic people felt betrayed. Osama bin Laden—a former mujahidin warrior—rose through the ranks to become the world's most wanted terrorist and preached of America's infidelity and subsequently ignited the al-Qaeda movement (Crile 507-23).

In the years to come, the Agency continued to make one blunder after another. A series of botched bombings and missile strikes in Afghanistan and Pakistan killed civilians and not their intended targets; Tenet seldom allowed for more, and for good reason. He became so prudent that when he received credible reports that bin Laden was in Afghanistan and the CIA had the opportunity to take him out, Tenet refused the order (Weiner 2008, 545-8). This would

not be the first time, but if he had allowed for one more strike, the Twin Towers may still be standing over Manhattan today. After the attacks, the White House was trying to find connections between al Qaeda and Iraq. Senior CIA officer Tyler Drumheller (2006) writes, “the war...turned Iraq into a magnet and training ground for new terrorists who want to strike at the United States.” Tenet was trying to tell the President that Iraq was not the place to be, and that he should direct military efforts toward Afghanistan. This would be one of the few times when the Agency was correct in their analyses.

Pakistan

Soon after the Soviets were pushed out of Afghanistan and the empire began to crumble under its own weight, our relations with the Pakistanis were to turn cold. As Weiner (2008) notes, the more intense Tenet’s battle to get bin Laden became, the more the mistakes that were made—deadly ones. The CIA authorized the use of drone strikes and bombings to target areas where supposed al Qaeda members were housed. All too often was the intelligence faulty and the missiles killed civilians, or they did not even take out the intended the targets, such was the case of the bombing of Khost in an attempt to neutralize bin Laden in 1999 (Weiner 2008, 542). These bombings angered the Pakistani government. The United States’ mission was to take out terrorists, not innocent civilians. Just as brutal attacks had instigated resentment of Americans in Iraq in later years, Pakistan turned its back on America.

Today the relations between Pakistan and the United States are neither hostile nor friendly. They have been known to harbor the Taliban and al Qaeda members, but to our knowledge have not instigated attacks directly against us. It is for this reason that the war in Afghanistan continues. Stephen (2012) stated that Pakistan, who wishes to assert their influence in Afghanistan, is reluctant to negotiate with the United States (“The Right Way Out of

Afghanistan”). Yet drone strikes in recent years have served to be quite successful, Plaw (2012) reports. Citizen casualties have been minimal. Although numbers vary slightly, since the strikes began in 2004, there have been approximately 83 civilian casualties, compared to 1,572 “low-level militant” casualties. “On September 3, 2008, the head of the Pakistani Army, General Ashfaq Kayani, harshly condemned the US operation and vowed that the Pakistani Army would resist such violations of sovereignty ‘at all costs.’” Soldiers have been known to fire warning shots at ground troops and helicopters. The drones nonetheless continue to terrorize Pakistani citizens. The operations have been harshly criticized abroad, regardless of how effective they have been in eliminating both the Taliban and al Qaeda members, but because Pakistan welcomes them, continuing to dismantle them creates a conflict of interest.

Iran

American influence in Iran goes back nearly to the very beginning of the CIA itself. In 1953, in an effort to control the oil fields, the CIA installed a dictator in Iran, the Shah. He ruled with an iron fist, causing many bloody scenes in the streets and tyranny in the Iranian government. Unstable political climates came to a head in 1979 when Iranians stormed the U.S. embassy, taking 66 Americans hostage. President Reagan and Casey would inherit the crisis from President Carter, but eventually they were released in 1981—444 days after captivity.

Around this time also, terrorism was beginning to gain global recognition. Airplane terrorist hijackings had been occurring since the turn of the decade and even earlier than that, but it was not as grave of a concern. Since 1974, the CIA had contacts in the Middle East that gave them great intel on terrorist activities until 1978 when it lost Ali Hassan Salameh, chief of the Palestinian Liberation Organization (Weiner, 2008, 449-50). American intelligence was once again in the dark, and has been ever since. American resentments were already brewing. After

the hostage crisis, it increased dramatically. “After the 1979 Islamic revolution [Iran] quickly became the world’s leading state supporter of terrorism,” Byman (2008) writes. . Iran seeks to spread the Islamic message of purging all corruption from the world. It has supported groups including al Qaeda from Lebanon to the Philippines. After the Revolution, the United States imposed sanctions on Iran for its support of terrorism, and these continue to present day, also creating nonpolitical relations with the State (Byman 2008).

In 1985, Lebanese Shiites took five Americans hostage. No amount of negotiating with the Ayatollah Khomeini would release them. That year, the CIA was approached with an offer to sell arms to Iran to attempt to improve relations (Casey had no intentions of doing so) and fund their war against Iraq. Negotiating the hostages’ release became a top priority. After Israel was allowed to sell some of its American arms to Iran, the U.S. did so soon after. In 1984, Dictator Adolfo Calero of Nicaragua met with Col. Oliver North in a series of meetings to further the assistance of the *contras* against the Sandistas. Prados (1986) wrote, “Reagan was willing to do anything necessary to ensure success at contra military force.” After Congress had passed the Boland Amendment, which made it illegal for the United States to aid the Nicaraguan forces in any way, Reagan’s message to America that it would not tolerate nor aid terrorists operations proceeded. Col. North was the mastermind behind the plan in what was to become the Iran-Contra scandal (Prados 1986, 424-26). The U.S was accomplishing two tasks at the same time, by using funds from the Iranian arms sales to free the hostages; the United States could fund the *contras*. Casey was at first apprehensive of the idea, but eventually, he and Reagan worked very closely with Col. North to orchestrate the money laundering. The United States was also providing battle plans to Iraq in their war against Iran. When Iran made the same request, John McMahon, deputy director of intelligence, offered Casey an eerie prophecy. He

warned that the CIA was “aiding and abetting the wrong people. Providing defensive missiles was one thing, but when we provide intelligence on the order of battle, we are giving the Iranians the wherewithal for offensive action.” Casey ignored the message and it was business as usual (qtd. in Weiner 2008, 468).

Iraq

The year 1980 marked the beginning of the second longest Gulf War in modern history. Iraq invaded Iran in an effort to assert its regional dominance. By 1982, Iraq was put on the offensive and was being driven back. In order to see Iran lose the war, the United States saw a vested interest in supporting Iraq and its President, Saddam Hussein. Such support came in the form of ammunition, vehicles, cluster bombs as well as financial aid and credits. These supplies were no doubt turned on the U.S. army in the next decade. Casey and Reagan were adamant about ensuring the Iraqi victory over Iran but at the same time condemning the use of chemical or nuclear weapons, as Battle (2003) reveals. These were used on Iraqi dissidents, and very sparingly in actual warfare.

When the war did end, Kuwait refused to forgive its debt on Saddam Hussein for assisting in campaigns against the Iranians. Tense negotiations followed between Saddam, President H.W. Bush and Gorbachev. Negotiations fell apart and Iraq invaded Kuwait in 1990. The United States responded in Operation Desert Storm, driving Saddam back and ending a decade long alliance.

After the end of the first Gulf War, sources poured in saying Saddam had WMDs and the CIA accepted these sources of intel as hard fact. As the CIA had done in the past, it continued to blindly accept information from defectors to confirm their preconceived notions of an impending war. Over an eight year period, the CIA collected empty information; little to none of it was

true. Saddam had told the U.S. he had destroyed his weapons but left the facilities to produce them open. The United States knew he was lying. This distrust would set the stage for the U.S.-Iraqi relations in the years to come. But Weiner (2008) says Saddam's actions can be justified. It was a way for Saddam to be a good leader and save his country, even if he had to lie to do it. Iraq was weak after two wars and piling debt, and if its enemies knew it was defenseless, that left the nation prone to attack. Saddam had to deceive the world at large to make himself seem more resilient and protect his citizens (Weiner 2008, 564-7).

Tenet's faulty intelligence and preconceived notions resulted in the biggest military flounder since the Vietnam War. President Bush heavily campaigned for unilateral aggression to depose Saddam. His plans went from utopian diplomacy and implementing democracy to military action with few in between. Despite having little concrete action to offer as to what would happen to the Iraqi state after Saddam was gone, Bush declared Operation Iraqi Freedom in March of 2003. Its mission was to run Saddam out of Iraq. But after Saddam left, the country fell into lawlessness and chaos with no one to take charge. The United States did send humanitarian aid to help refugees and U.S. troops that remained were given the task of training Iraqi police and military so they could defend themselves. In January of 2004, intelligence intercepted a letter written from al-Zarqawi, al Qaeda militant leader in Iraq, which called for collective action from the Shia against the United States, igniting the sectarian war. Insurgency gained momentum and the War on Terror spread to include Iraq until the Operation ended in 2011. Today, the country is in the same category with Somalia; it is no closer to progress. "The country has become something close to a failed state," Parker (2012) stated. It cannot provide basic services like running water, and in the political realm, there is no single

party. It is instead divided between Sunni and Shi'ites and the country is locked in fighting over who will gain control (Parker 2012, 94).

The Intelligence-Presidential Complex

Through the legacies of Tenet and Casey and the presidents they served, the United States experienced the worst attack on its soil since Pearl Harbor; what we are left with today is a War on Terror that cannot be contained. Casey and Reagan's close correspondence would prove the most influential. They were able to focus foreign policy efforts, and achieve some temporary success in Afghanistan, regardless of how it has affected us today (we must remember that without foresight, success is defined by a goal that achieves its purpose).

On the contrary, President Clinton and DCI James Woolsey had no relationship. He would infamously say, "I didn't have a bad relationship with the president, I just didn't have one at all" (qtd. in Weiner 2008, 508). Clinton's disdain for Woolsey as DCI would lend largely in part to his short tenure; he would only last two years at the Agency, accomplishing nothing significant. The relationship between President Bush and Tenet was a close one—at face value. "Bush and Tenet met at the White House almost every morning..." Weiner (2008) recounts, "But nothing Tenet said about bin Laden captured the president's attention...Bush was interested in other things...He was struck by no sense of emergency" (Weiner 2008, 552-3). Few would speculate that Bush and Tenet would not get along well. Bush, a Republican, inherited Tenet, who had a history of association with Democrats. In the years before 9/11, Tenet tried desperately to get the President to pay attention to Afghanistan. The more he tried to "ring the alarm," as Helms had once put it, the more he was shut him out. In the years after the attacks, Tenet flooded the White House of false reports of Saddam having WMDs. Whereas the White House would fail in preventing 9/11, the CIA failed in preventing the next Iraq war. It was an

even exchange with deadly consequences. The President's and the CIA's agendas did not coincide, and so the failures of the Agency would persist. A correspondence was not the same as co-operation. The burden of mistake in going into Iraq rests squarely in the space between Tenet and President Bush. Success in American foreign policy lies in the co-operation between the White House and the Director of Intelligence. The DCI must be regarded highly in the White House if operations are to be successful. Though the CIA was initially supposed to be above political influence—and it still can be—if it is to be successful in its mission to protect America, it must rethink its research. Finding and tweaking analyses to support policy will continue to lead to failures and blowback.

Preventing “Blowback”

The CIA defines its term “blowback” as the result of covert operations kept from the American public, so that if and when retaliation occurs, Americans cannot put it into context. An attack appears “out of the blue,” and our response to it appears patriotic rather than defensive (Previews 2006). It began in Afghanistan against the most frightful enemy the country had known. The CIA armed, trained and funded its own enemy. In the early 1990s, inaction to withdraw troops created a foreboding sentiment in the Arab world—one of distrust. That distrust eventually culminated in militant attacks, flag burnings and the attack of 9/11 traced to an enemy once believed to be the most auspicious of its day. Knowing no bounds, the United States' effort to eliminate this enemy spilt over into neighboring Pakistan. Frequent drone strikes, despite their success, have angered Pakistanis because they are largely unauthorized and they terrorize citizens. And in doing so, we have undermined their political and geographical sovereignty. In retaliation, they welcome the Taliban and al Qaeda, in turn undermining our mission in the War on Terror. So then, it seems, it is a paradox. If the Pakistanis weren't to house our enemies, the

United States would have no imperative to encroach on their borders. Our relations would be much stronger, and thus co-operation in stabilizing Afghanistan would be stronger.

The beginnings of international terrorism lie in Iran. It is also the closest relationship between the latter and how the Agency's operations have backfired so severely. Though terrorism was nothing new in the late 1970s, after the Iranian Revolution, it was certainly validated. Iran's isolation through American sanctions in turn created a Mecca for radical Islamists. The sanctions also created Iranian autarky, which produced a need for generating its own power, and nuclear energy was found to be the most efficient, spurning condemnation from many nations in present day.

The Agency's support of ruthless dictators has obviously proven to be a haunting policy, but to say that Iraq was a direct result of the CIA's operations as well, while apparent, cannot be linked so easily. It is true that in Saddam Hussein aiding financially and militarily in his war against the Iranians, the United States was in an area that looked like trouble to begin with. The time between the First Persian Gulf war and Operation Desert Storm was unpredictable until it was too late. The CIA did not think that Saddam would invade Kuwait until literally the day that it happened. But looking at it from an economic perspective, Kuwait's refusal to forgive Saddam his debts (they had every right not to) would ultimately lead to some sort of friction. Further, showing that the war on terrorism was justified in Iraq is a misnomer. The Bush administration led Americans to believe that al Qaeda was there before 9/11. Rather, al Qaeda came to Iraq in response to the deposing of Saddam in an effort to impose Sharia, or Islamic law. U.S. troops were misdirected in focusing only on training the police force. Clearly, a nation in chaos needs a police force to maintain order and a government without a legitimate presence cannot, in turn, present a legitimate military. Bush should have improved the police and the

government simultaneously, rather than hoping democracy would take hold. Not enough deliberation was taken before deposing Saddam. Bush's response to Iraq created a similar circumstance to that of the late Vietnam War. An immature military could not suppress that of an unpredictable, relentless enemy. But neither can the United States' advanced military. So the problem is not in with what weapons the war is fought, but the battle being waged in the minds of the enemy, on which we still do not have a full grasp.

And so the war is no longer confined to Afghanistan or Iraq, nor is the war over. Citing President Bush in his address to the nation after the September 11 attacks, Bach (2009) recalls: "[t]he only way to defeat terrorism as a threat to our way of life is to stop it, eliminate it, and destroy it where it grows" (*www.hsaj.org* 3). When the enemy spreads, the war follows them. Kraxberger (2005) acknowledges that after September 11, United States' attention on Africa has begun to resurface. Since 1994 and the fiascos in Mogadishu, Somalia; Rwanda and Sudan, U.S. foreign policy in Africa has been almost nil. In recent years, terrorism has been the initiating agenda for conducting foreign policy in sub-Saharan Africa. Poverty and corruption serve as breeding grounds where Islam is already an integral part of society. When the government's legitimacy is diminished, conflict erupts and Islamism has an opportunity to flourish in an effort to restore order (Kraxberger 2005, 55-7). In the news today, they have been most prominent in northern Mali where ethnic and tribal conflict has separated the country into northern and southern regions. Somalia, declared a failed state in 1991, is also a port for terrorism and pirates in the region. Some research also suggests that illegal blood diamond operations provide funding for various organizations, let alone local thugs and warlords across the African continent.

Some might even say that fighting terrorism is as futile a war as the “war on drugs.” It will always exist. As our relentlessness to terrorism increases, so too does the enemies’ resistance to supposed American imperialism. After the Berlin Wall came down and the Soviet empire crumbled, there was confusion in the Central Intelligence Agency. For the past generation, their mission had been to defeat an enemy they could not penetrate. Now that they were gone, what was it? Nearly as a direct result of their operations, when the Twin Towers fell, the CIA had their new mission, and the American people had a new fear; the Soviets became the terrorists of today. But yet, we must emphasize: without diligence, no one could have foreseen the events that transpired. Even for a spy agency, the future is far from predictable. But since its inception, the Agency has gone beyond analyzing and collecting data. It has tried to shape foreign policy the way they wanted it to be through dictators, coups and secret wars. Government must react to the events of today in order to preserve tomorrow and prevent yesterday from happening again.

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